

2025 WL 1035208

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Supreme Court of the United States.

OPM, ET AL.

v.

AFGE, ET AL.

24A904

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April 8, 2025

Opinion

The application for stay presented to Justice Kagan and by her referred to the Court is granted. The March 13, 2025 preliminary injunction entered by the United States District Court for the Northern District of California, case No. 3:25-cv-1780, is stayed pending the disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. The District Court's injunction was based solely on the allegations of the nine non-profit-organization plaintiffs in this case. But under established law, those allegations is presently insufficient to support the organizations' standing. See, *e.g.*, *Clapper v. Amnesty Int'l USA*, 568 U. S. 398 (2013). This order does not address the claims of the other plaintiffs, which did not form the basis of the District Court's preliminary injunction. Justice Sotomayor would deny the application. Justice Jackson would have declined to reach the standing question in the context of an application for emergency relief where the issue is pending in the lower courts and the applicants have not demonstrated urgency in the form of interim irreparable harm. See *Department of Education v. California*, 604 U. S. ___, ___ (2025) (Jackson, J., dissenting) (slip op., at 1–2). Thus, she would have denied the application.

All Citations

--- S.Ct. ----, 2025 WL 1035208 (Mem)